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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,799	01/31/2000	Rene Roberts	2002576-0001	3973
7590	05/06/2004		EXAMINER	
Elizabeth E. Nugent Choate, Hall & Stewart, Exchange Place 53 State Street Boston, MA 02109-2891			WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/494,799	ROBERTS, RENE	
	Examiner	Art Unit	
	Richard C Weisberger	3624	<i>MW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
  - 5) Claim(s) \_\_\_\_\_ is/are allowed.
  - 6) Claim(s) 1-24 is/are rejected.
  - 7) Claim(s) \_\_\_\_\_ is/are objected to.
  - 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
 

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a)  The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u>	6) <input type="checkbox"/> Other: _____

***Claim Rejections - 35 USC § 112***

1. Claims 1-24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. 1) storing securities market data in real time, 2) updating market data in real time, 3) storing bond data in real time, 4) forwarding the market data to others in real time, 5) issues names in real time, 6) forwards coupons or maturities data in real time, 6) collecting data obtained from a query in real time, and 7) updating said query in real time.

***2. Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

a. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation time is ambiguous. The claims read on securities that are not exchange traded. How can the data from these transactions be stored and updated ion real time. From whose perspective is the data stored in real time?

The limitation "other types of securities market data" is vague and indefinite.

### **5. *Claim Rejections - 35 USC § 103***

6. Claims 1-24 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Capital Access, "Capital Access Introduces Histran" in view of Capital Access, Capital Access Selects Mercury Technologies.

The primary reference teaches

1. (A) storage means for collecting from multiple sources, storing, and updating securities market;  
(B) controller means for accessing and updating data stored in said storage means wherein said controller means allows:  
(a) users access to data stored in said storage means; and  
(C) data terminal means coupled to said controller means for linking said controller means to external data sources or users, for receiving or 14 transmitting data to said storage means. (See, 6<sup>th</sup> paragraph of Press Release)

2. A system according to claim 1, wherein securities market data is transmitted to said storage means and is updated automatically in real-time.

(See, 6<sup>th</sup> paragraph of Press Release)

3. A system according to claim 1, wherein users may access or query said storage means for securities market data concerning one or more publicly traded security or high yield bond. (See, 6<sup>th</sup> paragraph of Press Release)

4. A system according to claim 3, wherein users may review simultaneously the securities market data obtained from said query. ((See, 6<sup>th</sup> paragraph of Press Release. This feature is inherent to the system as it is used by "hundred of institutional sales people.)
5. A system according to claim 3 wherein users may review the data obtained from said query on a display screen. (See, 6<sup>th</sup> paragraph of Press Release)
6. A system according to claim 3, wherein the queried securities market data comprises data selected from the group consisting of available pricing, yield, spread, research, text, date, time, source, bond, amount of bid and offer, yield to worst, spread to worst and other types of security market data. (See, 6<sup>th</sup> paragraph of Press Release)
10. A system according to claim 1, wherein a user may query said storage means. (See, 6<sup>th</sup> paragraph of Press Release)
11. A system according to claim 10, wherein one or more items queried by a user are selected from the group consisting of Issue, Collateral Type, Last Price, Last YTP, Last STY, Last Source, SIC Code, SIC Description, Amount Issued (M), Amount Outstanding (M), Announcement Date, First Settlement Date, Months Since Issuance, interest Accrue Date, First Coupon Date, Maturity Date, Months to Maturity, Moody's Rating, S&P Rating, DCR Rating, Fitch, Price at Issuance, Yield at Issuance, Spread at Issuance, Underwriter, Issuer, 144A/Public, Coupon, Coupon Frequency, Coupon Type, Callable, Market

Issued, Exchange, Nominal Value, Currency, Tax Status, Day/Count, Refunding Date, Current Call Date, Current Call Price, Next Call Date, Next Call Price, Put Feature, Cusip and other types of securities market data. (See, 6<sup>th</sup> paragraph of Press Release)

The primary reference fails to expressly teach obtaining and delivering the data in real time. The secondary press release teaches (in the title) that it is well known to modify the systems of the primary reference to the internet which operates in real time. Moreover, the timeliness of data is an art recognized variable in the field of finance. Thus, it would have been obvious for one skilled in the art at the time to have reduced the lag of delivery of the data to real time as motivated by the need to minimize risk. And while the claims do not positively claim sorting the data (it appears to be optional), sorting data is an art recognized variable in the field of data base retrieval and it would have been obvious to optimize this feature as motivated by the need to minimize searching time.

Respectfully Submitted

By:

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